



October 10, 2023

Via ECF

Hon. Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

Application GRANTED. The initial pretrial conference currently scheduled for October 18, 2023 is hereby RESCHEDULED to **November 15, 2023, at 9:00 a.m.** The Clerk is directed to terminate ECF No. 12.

Re: *Discount Decorative Flags, LLC v. Whaleco, Inc.*
Civil Action No. 23-cv-5995 (JMF)

SO ORDERED.

October 10, 2023

Dear Judge Furman:

We represent Plaintiffs, and are respectfully writing on behalf of both Plaintiff Discount Decorative Flags d/b/a Briarwood Lane ("Briarwood") and Defendant Whaleco, Inc. d/b/a Temu ("Temu") in this matter. The parties jointly request a thirty (30) day adjournment of next week's initial pretrial conference, and the associated pre-conference due date for a proposed case management plan and joint letter.

Pursuant to Your Honor's Individual Rule 2.E: (1) the original date scheduled for the conference is Wednesday October 18th at 9 a.m; and (2)-(3) there have been no prior requests for adjournment or extension.

As to (4), the reasons for the extension, the parties are currently engaged in settlement negotiations in an attempt to resolve this matter at an early stage. They request the extra time to facilitate their settlement discussions, which may obviate the need for the expenditure of judicial and party resources on a conference and pre-conference submissions. In addition, Plaintiff agreed to grant Defendant an additional 30 days to answer or respond to the complaint in exchange for Defendant's voluntary acceptance of service, such that the parties and the court will presumably benefit from having Defendant's responsive filing before a conference, even in the event that settlement is not finalized within the next thirty days.

As to (5), both parties join in this request; and (6) there are no scheduled appearances or deadlines other than the pretrial conference and due date for submission of a proposed case management plan and joint letter which the parties seek to extend herein.

In summary, the parties submit that there is good cause for a thirty (30) day adjournment of next week's initial pretrial conference and the due date for a proposed case management plan and joint letter.

We thank the Court in advance for its attention to this matter.

Respectfully submitted,

/s/ Morris E. Cohen

Morris E. Cohen (MC-4620)